

Stuart B. Plummer, Jr. Aug 16 1968
Louisiana, La.

September 6, 1968

Editor, The Times-Picayune
New Orleans
Louisiana 70140

Sir:

Your perhaps unintended collaboration with the Carlos Bringuier propaganda in his endless prostitution of law and the courts in your September 5 issue requires immediate acknowledgment.

While you alone can evaluate news interest, let me point out that in none of the long series of adverse rulings in which Bringuier has consistently lost in New Orleans courts did your paper find any news interest. When the first of his frivolous proceedings was thrown out of federal court, for cause, you failed to report that, too, although you gave his filing of it prominent attention. On July 17 he attempted, over our successful objections, to withdraw one of these suits. The lecture from the bench was denied your readers, for you also did not report that.

As a matter of fact, you have personal knowledge of his abuses of the courts and laws because your own alert court reporter detected it in time to avoid being entrapped.

Above all, because you are a publisher, you should have some interest in the issues involved. If not in the interest of your readers, then in that of a free and unintimidated press, you should, at the very least, acquaint yourself with the simple and readily available fact before publishing a story of such inaccuracy and defamatory a character.

First, let me assure you that, while OSWALD IN NEW ORLEANS has never been widely distributed in New Orleans because of this Bringuier intimidation, it also has never been withdrawn from sale in New Orleans or anywhere else. (You were, if without the intention, in part accountable for its small sale by suppressing all mention of it, despite the fact it was the only book on the evidence of that aspect of the Kennedy assassination and had a foreword by the locally prominent Jim Garrison.) Your story is quite false. It is and has been distributed in New Orleans by Atlantic Distributing Co. Phone Jack Frazier at 944-5445 for confirmation. At the time he and I first became aware of Bringuier's behind-the-back blackmail, Frazier agreed that, on principle, he would not withdraw the book.

It is likewise false to say that Bringuier never served the legally required papers on me because I was not in New Orleans. I was, and to his knowledge, and on a number of occasions. I was near his place of business often, long, never secretly, and he knew where I was staying. He did not serve me because his purposes are other than the one made to seem apparent. He intends to prevent my continuing investigations in New Orleans, of which he and his activities are very much a part. His lawyer told the lawyer in the other suit that if I did not come to New Orleans I would not be served, hence not a defendant. In short, this is blackmail, to deter my investigatio

Editor, Times-Picayune - 2

and writing, including of Bringuier. It was entirely unsuccessful, but its purpose becomes clear when it is understood that I was in New Orleans repeatedly and publicly, working and in some of the most prominent places, including on radio and TV!

For the record, and directly addressing Bringuier's capability of serving papers on me in New Orleans, OSWALD IN NEW ORLEANS was announced in April of 1967, published November 1, and I was in New Orleans in November and December of that year, and March, April, May, June and July of this year.

To your knowledge, Bringuier knew I was there. He used this knowledge to engage in what can, with kindness, be described as several improprieties. Knowing where I was, he Xeroxed a draft of the fictitious papers he filed in the original suit, exactly those already thrown out of court, took them to the clerk of the court and described them as an "amended complaint" (which it was not) and asked that they be served. The clerk, knowing this was spurious, refused. Bringuier or his representative then took the papers to the United States Marshal, again falsely describing them as an amended complaint, and, on payment of the prescribed fee, had them served on me.

The marshal found me in the motel I was known to use, interviewing, of all the remarkable coincidences, exactly the man who knows Bringuier well and gave the information against him to the Warren Commission! Is it not also truly remarkable that this same man informed me that Bringuier had filed an outrageously incompetent suit against him for his testimony before the Warren Commission? That suit, also, and again without mention in your papers, was unceremoniously tossed out of court. Imagine suing a man because he is a witness Before a federal commission! The purpose here was served, for that purpose was to convert the courts into Bringuier's instrument for silencing those who want the truth told about how their President was murdered, by whom, and why. It was costly to this man to get that case dismissed. He had thereafter been silent, although the possessor of important information never sought by the Warren Commission, or the federal investigators, or, may I add, the New Orleans papers, until his sense of decency and patriotism was so outraged it overcame his reluctance to sustain additional financial loss.

The marshal, in serving me, falsely described this incompetent Xerox as an "amended complaint". I gave it to Attorney William Lucas, National Bank of Commerce Building, counsel in the other suits. He will, I am certain, show them to you. Now, Bringuier or his agent then sought out your court reporter with the same false story. Your reporter recognized it as false and would have no part of what was asked of him, one of your customary prominent and lengthy stories against questioning of the official fairy tale about the President's murder.

So, it is entirely false to say that Bringuier did not serve me because I was not in New Orleans. I was there, and he knew it. I was there often, publicly, sometimes conspicuously, and never briefly. His purpose was blackmail, not responsible litigation.

Despite this, is there a viable serious suit? The most casual examination reveals that on numerous counts there is not and cannot be.

First of all, for there to be a suit, there must be a legal service. Bringuier has never legally served any "defendant". If you examine the

Editor, Times-Picayune - #3

record of the recent litigation in Federal Court, it is my understanding he was ordered to effect such service. Nonetheless, he never tried to serve me.

Second of all, there must be something to sue over. He has filed exactly the same papers thrown out of court, without change in even the very obvious errors in them. This case has already been decided, and against him. The lawyer's phrase is res judicata. I repeat, his purpose is not litigation but intimidation of the press, of writers and publishers and distributors - and propaganda.

I cannot comment on whatever nonsense he has in the so-called Canyon suit for he has never even mailed them to me. However, I can on the Saga suit, and I think that your own interest in your own freedom might encourage you to look into this.

Not until two years after publication of WHITEWASH, and then not until after public announcement of OSWALD IN NEW ORLEANS, did he file the first suit. Its successful purpose, aside from inhibiting me, was to persuade the New Orleans wholesaler not to distribute this book, under threat of a lawsuit. It is for that reason alone that he did not, and he was honest enough to specify it to me. His lawyer read the book, an unusual precaution, and found no libel in it but did, properly, warn against the possibility of nuisance suits. (Is it not strange that Bringuier has not filed suit against the only person distributing OSWALD IN NEW ORLEANS, who is within the jurisdiction? Or is it that he knows of Jack Frazier's dedication to freedom of the press and of writers?)

His suit is based upon false statements that you repeat, that I "made him appear 'more in love with the Soviet Union than with the United States'". First of all, this is not an accurate quotation or any other kind. It is a deliberate distortion that cannot be accidental. Secondly, I said no such thing. I have seen to it that, at no cost to you, numerous copies of all my books are in your possession, so you can readily check this for yourself. In the event you do not have the issue of Saga that he so carefully misrepresents, I send you that. This is a reprint of the "False Oswald" chapter of WHITEWASH. The pertinent passages begin on page 90, marked for your convenience.

I ask you to note that what I have done is to quote, and to quote accurately, the Warren Commission testimony. If it happened that this testimony had been inaccurate - and it was not - it is still immune to suit for, as it must be if there is to be a free society, it is not subject to suit. Were this not the case, you could never dare report any court proceeding, as you well know. So, I did not say that Bringuier "hates the United States", the sworn exact testimony of the competent witness (with no reference at all to any "love" of the Soviet Union by anyone - again, marked for your convenience on page 92); I merely quote the testimony and, as in all cases, you will see the citation of the source in the official evidence.

May I, in the interest of establishing the true situation, call to your attention the direct challenge on just this point which I also reprint from the testimony, "let him (Bringuier) and me take a lie detector test and see who is right on it". Not Bringuier, Not the Warren Commission, not its counsel, Wesley J. Liebeler, dared accept this challenge. For our immediate purposes, this is not material, but after publication in your June 1 issue of the lengthy announcement of his filing of the Canyon frivolity, my first

Editor, Times-Picayune - #4

knowledge of it was from unsolicited phone calls from New Orleans wherein I was assured that numerous witnesses are available to testify to his repeated expressions of hatred for the United States.

That, however, is not the issue for, had you made the most casual examination of my writing, delayed your haste to defame me by that small amount of time, you would have seen that I did not use the private information readily available but restricted myself to the official evidence, carefully cited. Aside from all the many other laws and decisions of which all publishers are aware that make this a suit that cannot have as a serious purpose its pretended one, you certainly know that accurate quotation of privileged testimony is totally immune to suit.

However, I cannot resist the offer to let you know that, whether or not I have yet published it, there is a considerable volume of solid information about Bringuier, his associates, activities and testimony, that at some point should be of more than casual interest in New Orleans. This should also include the accuracy - really, the truth or falsity of his testimony before the Warren Commission - its completeness or lack of it, and his personal responsibility for the invalidity of the Warren Report itself. For a single, relatively minor and peripheral example, why do you not ask him for samples of his racist literature printed with the pennies contributed for the "freedom of Cuba" and signed by the "Cuban Student Directorate"? Bringuier is a man who should have interested you in a way other than as a partner in his defamations and propaganda. It is his right to be a darling of the most extreme of the radical right, but this is hardly the hallmark of "patriotism". He is by no means the quiet, rational patron of any normal concept of freedom.

I cannot speak for Canyon, but I can repeat what they told me. It is simply that they could not afford the blackmail of unnecessary litigation. They would have ceased their distribution of the book (which is not at all the same as ending all distribution, which was never considered), but they would not acknowledge either error or damage. Neither they nor I, really, are defendants, and this is not a serious suit, for there was no service. That has already been decided in your own federal court. Bringuier's purpose was propaganda, and that you give him. The cost of establishing the legal spuriousness of his first suit was mine, and it was great. Contrary to the slanders so frequent in the press, rather than being profitable, this work has put me \$35,000 in debt. Were this not the case, I would have a lawyer in New Orleans and I would be filing some suits. I am distressed that the love of freedom of the press is so dormant in your city. So, I can understand, if I cannot agree with, Canyon's decision to bow to the blackmail. Their decision is theirs alone and does not relate to me. The record is clear: it is opposite to my position.

Your defamation and Bringuier's are not limited to me. There is no "stigma attached to Cuban exiles", whether "caused by District Attorney Jim Garrison's investigation", my writing, or anything else. They are like all other people and each is, as he must be, judged as an individual. Fortunately, I have met none among them who is at all like Bringuier. Without exception, regardless of their politics or beliefs, I have not met one who is not concerned that we have not been told the truth. I have not met a single one among the many I have sought out who is pro-Castro, nor one who would not have told the Warren Commission, the FBI, the Secret Service - or you - what they told me that is so exactly opposite what the government demands be believed as a substitute for truth. Nothing so stigmatizes Cuban refugees

Editor, Times-Picayune - #5

in this country as the noisy irrationalities, stupidities, misconduct, and the abuse of our basic institutions, by the Carlos Bringuier.

In the days I worked for newspapers, it was the custom to question both sides in any dispute. You have never at any one point called me, before or even after printing any of the stories, all of which seem to have defamatory purpose. Had you done what is customary among American newspapers, you would have known that the very best that can be said for the Bringuier campaign is that it is based upon deliberate misrepresentation and cannot have serious, legal intent. If you were unthinking about this, your own knowledge of his intended and very serious misrepresentation of spurious papers to the clerk of the court, the United States Marshal, and your reporter should have captured your interest and inspired your suspicion.

If not an interest in treating me fairly or seeing to it that the people of New Orleans have access to the truth, I do hope your own selfish interest in the protection of writers and publishers, in the upholding of the guarantees of the Constitution, impels you to do what still can be done to correct these errors, relieve the defamations.

If there is any further information you require, please ask for it. And if you can refer me to a New Orleans lawyer who can undertake expensive litigation from a man who is without the means to pay for it in the defense of the Constitution, to end this relentless undermining of it, to make it meaningless, to make less attractive as propaganda for those who subvert it the endless filing of suits with ulterior purposes, we can soon have a judicial determination of fact, in your own courts.

There are two other aspects, perhaps minor, that I suggest might interest a crusading newspaper with an undaunted dedication to meaningful freedom. I know how costly litigation of this kind can be. I also know there is not any prospect of any reward for Bringuier, for his suits are not serious and he has lost every single meaningful decision. I therefore suggest you inquire into the nature of the fee paid his counsel, if any, and by whom. It is inconceivable that such costly litigation, where there is no constitutional or legal issue, no prospect at all for the awarding or collection of serious damages, is undertaken without fee. If it has been, there is certainly ground for suspicion. Also, with a 30-day limitation on response, why not inquire into why Bringuier's attorney delayed doing anything from the end of June or early July until September. Is it possible that he arranged these delays to get the case before a judge who is somehow, perhaps only socially, in his debt, a judge to whom he has extended favors? If so, is it right for such a judge to sit in "judgment"?

Sincerely,

Harold Weisberg